

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

03 DEC 11 PM 3:05

U.S. DISTRICT COURT  
N.D. OF ALABAMA

SAM EVANS, and ENVIRONMENTAL )  
REMEDIAL SYSTEMS, INC., )  
Plaintiffs, )  
vs. ) CIVIL ACTION NO. 03-B-0326-S  
ROBERT G. MAYES, MINNIE MAYES, )  
and COLUMBIA SOUTHERN )  
UNIVERSITY, INC., )  
Respondent(s). )

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. Accordingly, the defendants' motion to dismiss is due to be granted and this case dismissed without prejudice to the plaintiffs' right to refile this case in the appropriate state court. An order in accordance with this memorandum of opinion will be entered.

DONE this 11<sup>th</sup> day of December, 2003.

Sharon Lovelace Blackburn  
Sharon Lovelace Blackburn  
United States District Judge

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